



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,020	12/17/2001	Greg Hecht	50588/365	5786

32641 7590 02/06/2008
DIGEO, INC C/O STOEL RIVES LLP
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

EXAMINER

RAMAN, USHA

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/032,020

Applicant(s)

HECHT ET AL.

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-20,22,23,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-20,22,23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 14 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-14, 16-20, 22-23, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox (US PG Pub.2003/0046700) in view of Proehl (US Pat. 6,690,391).

With regards to claims 1 and 14, Wilcox discloses an interface for linking a GUI of an entertainment media system to a plurality of disparate, incompatible data services (e.g. shopping, video playback, audio playback, etc.). Wilcox also discloses providing user VCR functionalities for video playback, as well as controls for laser disc player and compact disc players (see [0170]). Accordingly Wilcox discloses the step of plurality of databases of the incompatible data concerning entertainment media content).

A plurality of nodes (such as menu items) are displayed by the GUI (see fig. 11) in response to a predetermined set of function calls that are independent of the

databases (see figure 110, step 400, wherein viewer invokes the application upon which the screen node is displayed).

One or more services (such as play) performs predefined actions (i.e. play) associated with the nodes (see [0215]);

A plurality of nodes (e.g. menu item nodes as displayed in fig. 11) are associated with several different services (e.g. scroll up/down, push screen, play media), and at least one of the services (such as play media) is associated with a plurality of several different nodes (e.g. a plurality of video titles can be played, wherein each title is a node);

A node manager (hierarchy manager) to return an indication of a requested node of the plurality of nodes to the GUI and to link the requested nodes respective one or more services to the requested node such that the respective services are displayable by the GUI in response to the predetermined function set of function calls (see [0191]-[0193]; wherein the viewer is presented with context sensitive menu corresponding to the focused menu).

Since Wilcox discloses displaying the plurality of media items as menu items, the plurality of media items comprise a common format (i.e. the menu item node format) displayable by the GUI. Wilcox is silent on the step of retrieving descriptive data from one or more of the databases and converting the data to a common format displayable by the GUI.

In an analogous art, Proehl discloses media items from a plurality of disparate databases, and further retrieving descriptive data from the one or more databases

and converting the data to a common format (i.e. AV items) displayable by a GUI (see column 3, lines 10-28, figures 7, 9, 12) as menu items representative of the media items. Proehl is evidence to one of ordinary skill in the art at the time of the invention for retrieving media data from the databases and converting them to a common format for display by a GUI so that the GUI can display all the available disparate media types to a user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wilcox in view of Proehl by retrieving media data from their databases and converting them to a common format for display by the GUI, so that screen 110 can enlist all the menu items corresponding to the various media types in response to user invoking the main application.

With further regards to claim 14 and with regards to claims 7, the modified system comprises a first data interface object (object 102 representative of audio clip) adapted to retrieve a first set of data (exemplified by Proehl figure 7) from a first entertainment database (e.g. a compact disc) converted to a common displayable type (menu item node as taught by Wilcox) and providing a first set of data in common format to the GUI; a second data interface object (object representative of video clip, exemplified by Proehl figure 8 and Wilcox figure 10) from a second entertainment media database and converted to a menu item node format for display on the screen 110, and further comprising an API comprising a predetermined set of function calls independent of the media databases (API invoking the main screen 110, see figure Wilcox: 110).

With respect to claims 3, the GUI comprises a menu navigation hierarchy for navigating through a plurality of content and associated information (see Wilcox figure 11 wherein hierarchy is: screen->categories->menu item->menu icon node).

With respect to claims 4 and 16, an individual node is associated with each menu item in the menu hierarchy (see Wilcox: [0179]).

With respect to claim 5, the GUI further comprises an information region containing information associated with each menu item when the menu item is selected by the user, the information being provided by the individual node associated with the menu item (see Wilcox: [0217] and figure 11, drawable 134)

With respect to claim 6, certain menu items in the hierarchy have sub-menu items associated therewith and wherein each parent node associated with certain menu items identify their children nodes associated with each of the submenu items, when the certain menu items are selected by the user (see Wilcox: [0208], the menu items contained by a category item node are visible only if that category item has focus).

With respect to claims 8, and 20, Wilcox discloses a database comprising a compact disc. Proehl further teaches a first type of database that is an EPG and a second type of database that is CD database (see Proehl: figures 7, 10, column 5, lines 32-35, 43-54 and column 6, lines 51-54).

With regards to claim 9, Proehl teaches an EPG database is transmitted over a live EPG feed from a cable provider (col. 5, lines 33-35, lines 43-47; col. 9, lines

65-67; in which a cable TV data source, e.g., a cable provider, provides the EPG data in the live feed using the VBI or a digital side band for example).

With regards to claim 10, Proehl teaches the one of the nodes is a VCR, wherein all of the device controls are managed through the GUI. See column 5, lines 42-50 and figure 19, step '650'. Accordingly, it is noted that a VCR can record and/or playback multimedia broadcasts.

With regards to claim 11, Proehl teaches one service is a "tune to channel" service associated with all nodes (TV node, channel nodes, see figures 8, 9 and 11) containing information related to live multimedia broadcasts (upon selection of a particular channel, the channel is tuned to, see column 9, lines 63-67).

With regards to claim 12, the list of services associated maybe generated by bringing to focus a menu item associated with the node and generating an action command. Accordingly, the menu item is highlighted to bring in focus. See Wilcox: [208] and [217] and Proehl: column 9, lines 42-50).

With regards to claim 13, Proehl teaches one of the nodes is configured to retrieve Internet data (col. 11, lines 15-18).

With regards to claim 17, a first service (such as play item) is associated with both the first and second data interface objects in the modified system.

With regards to claim 18, the system as modified in view of Proehl further teaches a second service associated with only one of the first and second data interface objects (e.g., 'channel' navigational list is available only for TV node and not for a CD node, see figures 6, 9, and 10).

With regards to claim 19, the system as modified in view of Proehl teaches the first service is a search service (the EPG service enables searching/navigating of information via the GUI) allowing a user to search for data related to the first and/or second data object (col. 5, lines 32-36, lines 51-53; col. 4, lines 21-24; col. 3, lines 1-9).

Claim 22 is rejected with respect to claims 5 and 7 as discussed above.

Claim 23 is rejected with respect to claims 1 and 14 as discussed above.

Regarding claims 25 and 26, the system modified in view of Proehl further teaches a service layer comprised of a plurality of service objects (playback control interfaces) adapted to be performed on the nodes (e.g. CD track), wherein a single service object (e.g. play operator) may perform actions for a plurality of nodes (plurality of CD tracks can have the 'play' option). See figure 6.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UR


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600